

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**TERRENCE JOHNSON, JIM HARRIS,
ALEXANDER FRIEDMANN, and
JOSHUA ROBERTS,**

Plaintiffs,

v.

**PHIL BREDESEN, Governor of the State of
Tennessee, BROOK THOMPSON,
Coordinator of Elections, RILEY DARNELL,
Secretary of State of Tennessee, JAMES
JOHNSON, Administrator of Elections for
Shelby County, KIM BUCKLEY, Administrator of
Elections for Madison County, and
RAY BARRETT, Administrator of Elections for
Davidson County, in their official capacities,**

Defendants.

Case No. 3:08cv0187

Judge Thomas A. Wiseman, Jr.

ORDER

Before the Court are (1) a Motion for Judgment on the Pleadings as to the Constitutional Challenges Contained in the Amended Complaint (Doc. No. 58) filed by defendants Phil Bredesen, Brook Thompson and Riley Darnell (collectively, the "State Officials"), and (2) Plaintiffs' Motion for Judgment on the Pleadings or in the Alternative Motion for Partial Summary Judgment (Doc. No. 68). These motions have been fully briefed and the parties presented oral argument on their motions at a hearing conducted on September 15, 2008. Also before the Court is Defendant Kim Buckley's Motion for Summary Judgment (Doc. No. 76).

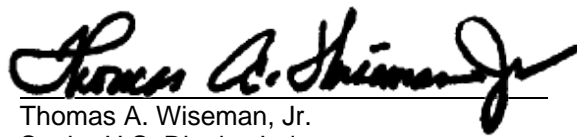
For the reasons set forth in the accompanying Memorandum Opinion, the Court finds that the State Officials' motion for judgment (Doc. No. 58) is meritorious and that the defendants are entitled to judgment in their favor as a matter of law as to Counts One through Five of the Amended Complaint. Accordingly, the State Officials' motion is hereby **GRANTED** and Counts One through Five of the Amended Complaint are **DISMISSED**, leaving for adjudication only plaintiff Alexander Friedmann's due-process claims under the United States and Tennessee Constitutions, set forth in Count Six of the Amended Complaint. Plaintiffs' Motion for Judgment (Doc. No. 68) is hereby **DENIED**.

Further, because all claims brought by plaintiff Jim Harris, the only plaintiff who is a resident of Madison County, have been dismissed, the motion for summary judgment (Doc. No. 76) filed by defendant Kim Buckley in her official capacity as Administrator of Elections for Madison County, is hereby **GRANTED**.

Likewise, because all claims brought by plaintiff Terrence Johnson, a Shelby County resident, have been dismissed, defendant James Johnson in his official capacity as Administrator of Elections for Shelby County is entitled to judgment in his favor as a matter of law. Accordingly, the claims against defendant Johnson are hereby **DISMISSED**.

This matter is remanded to Magistrate Judge Griffin for such further case management as may be necessary.

It is so **ORDERED**.



Thomas A. Wiseman, Jr.
Senior U.S. District Judge